

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are currently pending. Claims 1 and 12-14 are amended; and new Claim 15 is added by the present amendment. No new matter is added.¹

In the outstanding Office Action, Claims 1-11 were rejected under 35 U.S.C. § 101 as directed to a non-statutory class, reciting software per se; and Claims 1-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,757,708 to Craig et al. (herein “Craig”) in the view of U.S. Patent No. 6,681,298 to Tso et al. (herein “Tso”).

Applicants respectfully traverse the rejection of Claims 1-11 under 35 U.S.C. § 101.

First, Applicants note that Claims 2-11 depend from Claim 14, which recites an information processing apparatus connected with an external apparatus via a network, including, *inter alia*, a memory configured to store content data. Because Claim 14 recites a memory, which is a physical structure, Claim 14 is directed to a statutory class of invention. Indeed, the outstanding Office Action does not reject Claim 14 as non-statutory. Accordingly, Applicants respectfully submit that dependent Claims 2-11, which depend from Claim 14, are also statutory by virtue of dependency from Claim 14, and request that the rejection of Claims 2-11 under 35 U.S.C. § 101 be withdrawn.

Claim 1 recites an information apparatus connected with an external apparatus via a network, and includes means for transmitting, means for receiving, means for storing, means for outputting, means for detecting, and means for translating. Applicants respectfully submit that the recited means included in Claim 1 invoke interpretation under 35 U.S.C. § 112, sixth paragraph. Because the elements recited in Claim 1 are expressed as a means for performing a specified function without the recital of structure, Claim 1 must be “construed to cover the

¹ Amended Claims 1 and 12-14 are supported at least by the specification page 10, line 25 to page 11, line 14, page 14, lines 7-8, page 16, lines 13-20, and page 20, lines 4-10; and new Claim 15 is supported at least by the specification on page 12, lines 22-26.

corresponding structure, material, or acts described in the specification and equivalents thereof.”² Further, computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed **as part of an otherwise statutory manufacture or machine**. In such a case, the claim **remains statutory irrespective of the fact that a computer program is included in the claim**.³ Accordingly, Applicants respectfully submit that Claim 1 is statutory, and request that the rejection of Claim 1 under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 1-14 under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claims 1 and 12-14 recite features not taught or rendered obvious by any proper combination of the cited references.

Amended Claim 1 is directed to an information processing apparatus connected with an external apparatus via a network. The claimed apparatus includes, *inter alia*, means for transmitting a request for a page information to the external apparatus, means for receiving the page information, wherein the page information includes an identification information corresponding to a content data, and receiving the content data corresponding to the identification information included in the page information. Further, the claimed apparatus includes means for storing the content data received by the means for receiving, and means for outputting the content data along with the page information. The claimed apparatus also includes means for detecting whether the content data corresponding to the identification information is stored in the means for storing. Claim 1 is amended to also recite that the claimed apparatus includes ***means for translating the content data provided by the external apparatus from a first format and a first size into a second format and a second size based on a characteristic of the means for outputting.***

² 35 U.S.C. § 112, sixth paragraph.

³ See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, USPTO 2005 (Annex IV, Computer Related Non-Statutory Subject Matter) page 53

Applicants respectfully submit that none of the cited references teaches or suggests a means for translating the content data provided by the external apparatus from a first format and a first size into a second format and a second size based on a characteristic of the means for outputting.

Craig describes a system and a method for caching dynamic content. Craig describes that caching dynamically generated content creates issues more complex than with static content. Further, generation of dynamic content is typically much slower and more computationally expensive.⁴ Therefore, Craig proposes an improved technique for caching dynamically generated content.⁵ Craig describes an approach where a browser requests a JSP from a server to obtain dynamic content. A JSP is compiled into a servlet and resides on the server. Further, the JSP generates a dynamic page which includes the results of executing Java Beans. The execution of Java Beans is recognized to be an expensive process, thus Craig proposes “caching the Java Beans that are produced as a result of a JSP access, rather than trying to cache the generated data stream.”⁶ However, Craig is not concerned with translating any of the cached content into a different format and a size, much less translating the cached content into a format and a size *based on a characteristic of the means for outputting*. Therefore, Applicants respectfully submit that Craig fails to teach or suggest the features recited in amended Claim 1.

Turning now to the secondary reference, Tso describes an HTML cache system that stores entire HTML documents.⁷ Tso is however silent regarding any kind of translating content data provided by an external apparatus from a first format and a first size into a second format and a second size. Indeed, as illustrated in Figure 4A step 22a, Figure 4B step 228', Figure 5A step 256, and Figure 5B step 332, Tso merely describes storing data that is

⁴ Craig, column 1, lines 44-50.

⁵ Craig, column 4, lines 9-11.

⁶ Craig, column 10, lines 41-43.

⁷ Tso, column 1, lines 44-47.

not present in the cache already, but is silent regarding any kind of translation of data.

Therefore, Applicants respectfully submit that Tso fails to cure the deficiencies of Craig discussed above.

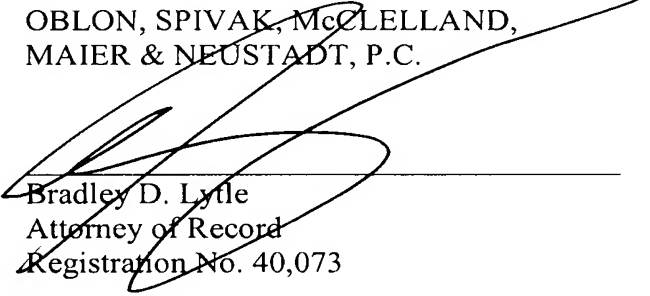
Independent Claims 12-14 are amended to include similar features to those recited in amended Claim 1. Accordingly, Applicants respectfully submit that Claims 1 and 12-14 (and all associated dependent claims) patentably define over any proper combination of Craig and Tso, and request that the rejections of Claims 1-14 under 35 U.S.C. § 103(a) be withdrawn.

New Claim 15 is added to vary the scope of patent protection and to further define over the cited references. Claim 15 recites that the interface recited in Claim 14 includes a display of predetermined dimensions, and the second size of the translated content is based on the predetermined dimensions of the display. Applicants respectfully submit that none of the cited references teaches or suggests the features recited in Claim 15, and therefore Claim 15 is believed to be allowable.

Consequently, in view of the present amendment, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited. Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)

Andrew T. Harry
Registration No. 56,959